

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON JANUARY 7, 2004**

Members Present: Peter Lilienfield, Chairman
Carolyn Burnett
Jay Jenkins
William Hoffman
Walter Montgomery, Secretary

Also Present: Lino Sciarretta, Village Counsel
Edward P. Marron, Jr., Building Inspector
Joseph Elliot, Ad Hoc Planning Board Member
Florence Costello, Planning Board Clerk
Jan Blaire, Environmental Conservation Board Member
Applicants and other persons mentioned in these Minutes

IPB Matters

Considered:

- 03-39 – Lori & Charles Levy – 2 Hudson Road**
Sht. 8, B. 219, Lot 27 and 27 A
- 03-40 – Meredith & Andrew Siegel – 10 Greyrock Terrace**
Sht. 10D, B. 242, Lot 21 and 22
- 03-46 – Joseph DeNardo – 7 Roland Road**
Sht. 15, Lot P-123A
- 03-47 – Pauline & Kevin Davies – 8 Leafwood Terrace**
Sht. 13B, Lot P-65
- 03-53 – Patrick J. Gilmartin – 8 Barney Park**
Sht. 5, B. 210, Lot 23
- 03-54 – Craig Ritchie – 16 North Eckar Street**
Sht. 5, B. 211, Lot 24A-2
- 04-01 – AT&T Wireless – Peter Bont Road & Hermits Road**
Sht. 11, B. 5, Lot 27C2A27G
- 04-02 – Deborah & Joseph Ades – 23 Richmond Hill**
Sht. 13E, Lot 23
- 04-03 – Thomas & Holly Harty – 57 Field Terrace**
Sht. 13A, Lot 99A

Informal

Discussion: **04-04 – Jim & Vesna Rothschild – Lot #13, Dearman Park**
P-25J2-13, Sht. 10

Carried Over: **94-03 – Westwood Development Associates, Inc. -- Phase 1**
(Tract A)
Sht. 10, P25J2, 25K2
Sht. 10C, Bl. 226, Lots 25A, 26A
Sht. 11, P-25J

- 02-11 – Geraldine McGowan-Hall – 200 Mountain Road/Hermits Road**
Sht. 11, Lot P-7J
- 03-36 – Racwel Contracting & Construction Co., Inc. – Dearman Close**
Sht. 10, Lot P-25J2-15
- 03-38 – Adi S. Katari – 292 Riverview Road**
Sht. 10C, B. 226, Lot 24
- 03-48 – Emily & Marcelo Rubin – 298 Riverview Road**
Sht. 10C, B. 229, Lot 4E
- 03-49 – Village of Irvington – Westwood Subdivision, Tract C**
Sht. 11, Lot P-71, P-73 and P-75 (formerly Sht. 11, Lot P-25J and P-25J2 and Sht. 10C, B. 226, Lot 27A)

Off Agenda: 01-26 – Danfor Realty – Harriman Road
Sht. 13B, P-5, P-5C

The Chairman called the meeting to order at 8:03 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

ITEMS CARRIED OVER:

The Chairman noted the following items to be carried over to future IPB agendas:

- IPB Matter #94-03: Westwood Development Associates, Inc. -- Phase 1 (Tract A)**
- IPB Matter #02-11: Geraldine McGowan-Hall – 200 Mountain Road/Hermits Road**

Carried over at the request of the Applicant.

- IPB Matter #03-36: Racwel Contracting & Construction Co., Inc. – Lot 15, Dearman Park**

Carried over at the request of the Applicant as the infrastructure work was still in process.

IPB Matter #03-38: Adi S. Katari – 292 Riverview Road

Carried over at the request of the Applicant.

IPB Matter #03-48: Emily & Marcelo Rubin – 298 Riverview Road

Carried over at the request of the Applicant.

IPB Matter #03-49: Village of Irvington – Westwood Subdivision, Tract C

ITEMS TAKEN OFF THE AGENDA:

IPB Matter #01-26 Danfor Realty – Harriman Road
Sht. 13B, P-5, P-5C

The Chairman noted a Special Meeting had been scheduled to be held on this application on December 11, 2003. As a condition to holding that meeting, the Board had requested the Applicant provide documentation demonstrating that their option on the property, which was scheduled to expire in early December 2003, had either been exercised or extended. As satisfactory documentation was not provided, the scheduled meeting was never held. Given an unclear status, the Board determined to take this application off its agenda until further clarification is provided by the Applicant and/or property owner.

REVIEW OF APPLICATIONS:

**IPB Matter #04-02: Application of Deborah & Joseph Ades for Site
Development Plan Approval or Waiver of Such
Requirement for Property at 23 Richmond Hill**

The applicant was represented by Susan Riordan, architect. The application is for a set of stairs leading from the existing first-floor deck to the patio at basement patio level. Mr. Hoffman recused himself from consideration of this application.

The Chairman emphasized the need for documentation of permission from the homeowner's association in this townhouse community for the applicant to undertake this project.

Plans submitted were entitled, "Ades Residence Stair Addition, 23 Richmond Hill, Susan M. Riordan, A.I.A., December 19, 2003, 3 sheets." There were no comments from the public. The Board determined that the application could be handled as a Type II

action under SEQRA. After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application, subject to receipt of documentation from the Homeowner's Association approving of the proposed construction.

IPB Matter #03-53:

**Application of Patrick J. Gilmartin for Site
Development Plan Approval for Property at 8
Barney Park**

Christine Griffin, architect, appeared on behalf of the applicant, who is seeking to construct a one-story extension, a new attached basement-level, single-car garage, a deck extension and a new porch.

The Chairman opened a public hearing and confirmed that necessary variances for the front yard setback and proposed bay window had been obtained. Ms. Griffin confirmed that the revised plans called for a reduced footprint and that no trees are to be cut down.

The public hearing was closed. The Board determined that the application could be treated as a Type II Action under SEQRA. After discussion, on motion duly made seconded and unanimously approved, the Board then voted to grant Site Development Plan approval for the plans submitted: "Renovations and Extensions to Gilmartin Residence, 8 Barney Park, Christine Griffin, A.I.A., November 19, 2003, 7 sheets."

IPB Matter #03-54:

**Application of Craig Ritchie for Site
Development Plan Approval for Property at 16
North Eckar Street**

Mr. Ritchie appeared for the application, which is for the construction of a new, open wood deck attached to the rear of the residence.

The Chairman opened a public hearing. Mr. Ritchie confirmed that no trees are to be removed, and there were no comments from the public. The public hearing was then closed. The Board determined that the application could be treated as a Type II Action under SEQRA. After discussion, on motion duly made seconded and unanimously approved, the Board then voted to grant Site Development Plan approval for the plans submitted: "Plot Plan 14/16 No. Eckar St., 4 sheets."

IPB Matter #03-47:

Application of Pauline & Kevin Davies for Site Development Plan Approval for Property at 8 Leafwood Terrace

Lothar Ehrich, president of Ivy Construction, appeared on behalf of the application, which proposes the construction of an in-ground swimming pool.

The Chairman opened a public hearing. He said that the applicant needs to clarify whether a variance is required for coverage. He also stipulated that plants are to be added to the property to provide screening and compensate for the trees that are to be removed. There were no comments from the public.

The public hearing was closed. The Board determined that the application could be treated as a Type II Action under SEQRA. After discussion, on motion duly made seconded and unanimously approved, the Board then voted to grant Site Development Plan approval for the plans submitted: "Davies Residence, 8 Leafwood Terrace, Landscape Plan, Ehrich and Ehrich Landscape Architects, December 15, 2003, 1 sheet; and Site Plan, Pauline and Kevin Davies, 6 (sic) Leafwood Terrace, Keane Coppelman Engineers, November 18, 2003, 1 sheet". With the consent of the applicant, the Board's approval was contingent upon a determination from the Building Inspector that no variance for coverage was required, or receipt of a variance from the Zoning Board if the Building Inspector determined that the application exceeded the permissible coverage.

IPB Matter #03-46:

Application of Joseph DeNardo for Site Development Plan Approval for Property at 7 Roland Road

Norman Sheer, Esq., and Mr. DeNardo appeared for the application, which proposes the construction of a new residence on property in the IF-40 zone. The plan calls for the demolition of the existing house.

The Chairman opened a public hearing and noted that the house being proposed for this site is below the maximum FAR permitted under zoning. Mr. Jenkins recused

himself from consideration of this application as he is an adjoining property owner, but as with other applications, took part in the discussions of the proposal as a member of the public.

There followed a lengthy discussion involving Board members, the applicant, and members of the public, including residents of Ardsley Park – including Thomas Rothman, Herb Camp and Thomas Doyle – who objected to various aspects of the proposed structure. The focal points of the discussion included the orientation of the house – whether it should face Erie Street or Roland Road; the location of the driveway and the constraints formed by the private sewer / water lines running parallel to Roland Road; the coverage and FAR; the height and massing of the proposed structure and its compatibility with the neighborhood; and the number of trees to be removed.

Mr. Jenkins said he believed that the house should face Roland Road, and that the house may be too large for the lot. The Chairman noted that the FAR standards had been established for all lots, based on lot size and not underlying zoning district. Mr. Rothman voiced particular concern about safety problems that would be created by locating the driveway off Erie Street, as well as making objections to the number of trees to be removed and the size of the house. Mr. Montgomery asked for a site walk, which the Chairman set for Saturday, January 24 at 8:30 a.m.

The Board continued the public hearing.

IPB Matter #03-40:

**Application of Meredith & Andrew Siegel for
Site Development Plan Approval for Property at
10 Greyrock Terrace**

Arthur Chabon, architect, represented the Applicants, who are seeking to make additions to, and a reconfiguration of, existing space in a single-family house.

The Chairman noted that the Board of Trustees is considering the Applicants' request to permit an existing parking space which extends into the Greyrock Terrace right of way. He said the application can otherwise be considered complete, and the Board set a public hearing for February 4. He also stated that the applicant must re-notify the public of that hearing.

The Board continued this matter.

IPB Matter #03-39:

**Application of Lori & Charles Levy for Site
Development Plan Approval for Property at 2
Hudson Road**

Arthur Chabon, architect, represented the applicants, who are proposing to add living space, a rear porch, front entry and a garage to an existing structure.

The Chairman opened a public hearing and discussed with Mr. Chabon and the Board whether the proposal presents an issue of scale similar to that of the DeNardo proposal (IPB Matter #03-46, cited above). The Board agreed there was no such issue in this case. There were no comments from the public, and the public hearing was closed.

The Board determined that the application could be treated as a Type II Action under SEQRA. After discussion, on motion duly made seconded and unanimously approved, the Board then voted to grant Site Development Plan approval for the plans submitted: Levy Residence by Arthur Chabon, Architect dated August 20, 2003, fourteen (14) sheets; Survey of Property prepared for Charles J. Levy and Lorie Cowen Levy by Riley Land Surveyors, LLP, dated July 2, 2003; and Stormwater Management and Erosion Control Plan, Mr. And Mrs. Levy, 2 Hudson Road West, Michael J. McGarvey, P.E., P.C., November, 2003, 2 sheets.

IPB Matter #04-03:

Application of Thomas & Holly Harty for Site Development Plan Approval or Waiver of Such Requirement for Property at 57 Field Terrace

Christine Griffin, architect, represented the applicants, who are proposing to construct extensions to an existing home, garage and patio.

The Chairman confirmed with Ms. Griffin that the necessary front yard setback variance had been obtained. Mr. Sciaretta reviewed the prior transfer of land that occurred in 2003, and indicated that the applicant needs to submit a letter to the Town of Greenburgh detailing the transferred metes and bounds for tax purposes. He also asked for a copy of the deed to confirm metes and bounds of the new parcel that is part of the property. Such action is required prior to the Board being able to take action on this application.

The Chairman stated that although an existing home is on the property, a variance is required because the lot size is not in compliance with the zoning requirement. He also confirmed with Ms. Griffin that no grading is to take place, and asked that the applicants address Mr. Mastromonaco's comments in his memorandum of January 7, 2004. He further requested that the applicant address the Environmental Conservation Board's concerns that a landscape-design plan be submitted; erosion-control efforts be reviewed; and the plans show clearly the location of tree-protection measures and the extent to which trees will be removed.

The Board continued this matter.

IPB Matter #04-04:

Application of Jim & Vesna Rothschild for Site Development Plan Approval for Property at Lot #13, Dearman Park

In an informal discussion, Padriac Steinschneider of Gotham Design represented the applicants, who are seeking to construct a new residence on Lot #13 in Dearman Park.

The Chairman indicated that the proposed improvements exceed the height limits specified in the Zoning Ordinance, and that this was an issue that needed to be addressed on this and other lots at Westwood (and other parts of the Village) with sloping lots. A variance would also be required for the proposed three-car garage. He suggested that a gabled and tiered roof might mitigate the possible appearance of excessive height and massing, but that the issue of height would require a variance from the Zoning Board of Appeals or modification of the zoning ordinance by the Board of Trustees.

Mr. Steinschneider asked whether a 15% grade in the driveway would be an issue, and Mr. Marron said a maximum of 15% is permissible. One option would be to reduce the grade by altering other components of the plan, but this would again affect the height of the structure.

The Chairman confirmed with Mr. Steinschneider that the sewer line easement running along this lot continues; this does not extend beyond the side yard setback. Mr. Steinschneider stated that he would like to eliminate the gravel cul de sac turnaround (part of this lot) located near the Tischelman house, but the Chairman said that it should be preserved for now. The Board indicated that it would defer further consideration of this application until the infrastructure was in place, consistent with the Board's position on Lot 15.

The Board continued this matter.

IPB Matter #04-01:

**Application of AT&T Wireless for Special
Permit and Site Development Plan Approval for
Property at Peter Bont Road & Hermits Road**

The Board held an informal discussion of this application for Site Development Plan Approval and a Special Permit to co-locate a wireless telecommunications facility on an existing wireless telecommunications facility located at the end of Hermits Road. Representing the applicant were Anthony B. Gioffre III, attorney; Ronald E. Berube, civil engineer with Clough, Harbour Associates; and S. Raza Rizvi, an engineer with General Dynamics Wireless Services. The proposed installation is to provide wireless service along the New York State Thruway, Saw Mill Parkway, Saw Mill River Road and local roads surrounding the installation site.

The Chairman noted that the site for the installation was inaccurately portrayed in the application and asked that the appropriate change be made to the submission, including revised maps, as appropriate, showing the area(s) which would be served by the proposed facility which were currently not being served. He also said that an escrow

account and agreement should be established, and that the Board would engage Richard Comi (a recognized expert and consultant on wireless locations who has been engaged for similar assignments in the past) on its behalf. The Applicant agreed to the escrow, and Mr. Sciarretta was asked to prepare the appropriate documents.

Mr. Gioffre said the applicant will need additional transmission sites in the Village, and the Chairman asked him to identify alternative locations in case they are necessary. He also stated that the applicant should provide evidence to the Board that the desired wireless coverage cannot be achieved with any existing telecommunications facility.

The Chairman asked that the applicant provide public notice for the February 4 IPB meeting. The Chairman said the applicant and Mr. Sciarretta should check the Village Code to determine how extensive the notification must be.

This matter was continued.

The Board approved the minutes of the October 8, 2003 and December 3, 2003 Regular Meetings, and the November 20, 2003 Special Meeting.

The Board then set its next Regular Meeting for Wednesday, February 4, 2004, at 8:00 p.m. The Chairman stated that the Board should consider starting its meetings earlier than 8:00 p.m., given that the length of some agendas. No action was taken on this suggestion.

The meeting was adjourned at 11:04 p.m.

Respectfully submitted,

Walter Montgomery
Secretary